

1 Hon. Lauren King
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 v.
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DONTE JAMAL MCCLELLON,

11 Defendant.
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CASE NO. 2:22-CR-00073-LK

MINUTE ORDER

13 The clerk issues the following minute order by the authority of the Honorable Lauren King,
14 United States District Judge.

15 After hearing argument from Mr. McClellon at the Pretrial Conference regarding the
16 propriety of his pro se submissions at docket entries 153 through 156, the Court concludes that he
17 was represented by counsel at the relevant time and that his motions were therefore not properly
18 before the Court. Even if the motions were properly before the Court, however, the Court would
19 deny them. Other than conclusory assertions, his motion for severance, Dkt. No. 153, makes no
20 attempt to show that joinder of the charges against him was not proper under Federal Rule of
21 Criminal Procedure 8(a), which provides that two or more offenses may be charged in the same
22 indictment “if the offenses charged . . . are of the same or similar character, or are based on the
23 same act or transaction, or are connected with or constitute parts of a common scheme or plan.” The
indictment in this case contains charges that are “the same or similar” in character—namely, three
counts of wire fraud and two counts of bank fraud in connection with fraudulent PPP applications—and are acts that constitute parts of a common scheme or plan. Furthermore, and for

1 the same reasons, “all of the evidence of the separate count would be admissible upon severance,”
2 so “prejudice is not heightened by joinder.” *United States v. Johnson*, 820 F.2d 1065, 1070 (9th
3 Cir. 1987). Mr. McClellon’s motion for dismissal, Dkt. No. 156, would be denied for the same
4 reason the motion to dismiss at docket entry 165 was denied. *See* Dkt. Nos. 202, 203. And finally,
5 neither Mr. McClellon’s “Motion for Detention Hearing,” Dkt. No. 154, nor his “Bond Hearing
6 Brief in Support of Detention Release,” Dkt. No. 155, present new information that has a material
7 bearing on the issue of whether conditions exist to reasonably assure his appearance and the safety
8 of the community.

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10 DATED this 3rd day of January, 2024.

11 RAVI SUBRAMANIAN,
12 Clerk of Court

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14 /s/ Natalie Wood
15 Deputy Clerk